



OLC 78-2388
7 July 1978

MEMORANDUM FOR: Deputy Director of Central Intelligence
FROM: Acting Deputy Legislative Counsel
SUBJECT: Access to Covert Action Briefings

1. In response to your request of 7 July, below is a rundown on how many people on the Hill could potentially be privy to covert action briefings.

2. Potentially, at least 140 persons on the Hill, including both Members and staff have access to covert action briefings. However, that number has not sat in on any particular covert action briefing to date. This figure does not include Members from the House Armed Services Committee for reasons described below.

3. Senate Select Committee on Intelligence - This Committee has 19 Members who could receive briefings. At the latest covert action briefing six staff members were present.

4. House Permanent Select Committee on Intelligence - This Committee has 13 Members who could sit in on covert action briefings. At the latest briefing six staff members sat in.

5. Senate Appropriations Committee - The Subcommittee on Defense receives covert action briefings upon the Subcommittee's request. That Subcommittee has 13 Members. In addition, two staff members would normally sit in on covert action briefings. This Subcommittee has not requested a briefing on the latest Presidential finding and indications are that no request will be received for a briefing. However, two staff members have been briefed in some detail on the finding and presumably have briefed at least the Chairman.

6. House Appropriations Committee - The Subcommittee on Defense is made up of 13 Members. Generally, two staff members sit in on such briefings. On the latest Presidential finding only one staffer has been briefed and he presumably in turn briefed the Chairman. The staffer has indicated to us that the Subcommittee more than likely will not ask for any further briefings on the latest Presidential finding.

7. Senate Foreign Relations Committee - This Committee has 16 Members who potentially could be privy to covert action programs, however, past practice has been to brief only the Chairman and Ranking Minority Member and the Chief of Staff. However, each Member receives notice of such a briefing and has the right to ask the Chief of Staff for the details of the covert action proposal.

8. House International Relations Committee - This Committee has 37 Members, all of whom potentially could sit in on covert action briefings. In addition, one staff member sits in on such briefings. Prior to the 95th Congress covert action briefings were given to the Subcommittee on Oversight, chaired by full Committee Chairman Thomas E. Morgan (D., Pa.). Many Members not on that Subcommittee were unhappy with that arrangement and early in the 95th Congress pressured current Chairman Clement J. Zablocki (D., Wis.) to allow all Members to participate in such briefings. The latest word from the Committee is that the Chairman will convene the Subcommittee on International Security and Scientific Affairs to receive a briefing on the latest Presidential finding on 2 August 1978. That Subcommittee has seven Members, however, we can expect additional non-Subcommittee Members to sit in since a notice will be sent to all Members of the Committee.

9. Senate Armed Services Committee - In the past, the Subcommittee on Intelligence with three Members and generally one or two staff members received covert action briefings. Since the establishment of the Senate Select Committee on Intelligence we have been trying to get the Subcommittee to read itself out of the loop on covert action briefings. Recently, the Subcommittee decided it wanted to stay in the loop. However, we appealed to the Staff Director, who once again is rethinking the situation and will let us know next week as to whether they still want to be in the loop.

10. House Armed Services Committee - Previously, the Subcommittee on Intelligence and Military Application of Nuclear Energy with 13 Members, and generally two staff members, received covert action briefings. However, with the establishment of the House Permanent Select Committee on Intelligence the Subcommittee decided it no longer had jurisdiction over covert action matters and has told us that we are within our rights not to brief that Committee. However, they have indicated they would appreciate briefings if the Director felt disposed, particularly on paramilitary-type matters.

11. In addition to the above, House Rule XI permits any Member to request to sit in on any session of any Committee or Subcommittee. Hence, potentially 435 Members could request to sit in on covert action briefings. In actuality, however, only House International Relations Committee Members receive any kind of notice and would be the only ones likely to make such a request.

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Extract from the Morning Meeting Minutes of 7 July 1978:

Mr. Carlucci asked that OLC provide him with a calculation of how many people can potentially be informed of covert action findings. White estimated that 87 members and 15 staffers could be informed. (Action: OLC)